

ATTORNEY DOCKET NO. 3882/10

REMARKS

Claims 1-37 are pending.

Claims 1-31 are rejected under 35 U.S.C. §102 as being anticipated by "About ISMs, Netcool Internet Service Monitors Version 1.1" ("Netcool 1.1") Reconsideration of the application in light of the remarks below is respectfully requested.

Among the limitations of independent claim 1, which are neither shown nor suggested in Netcool 1.1 are:

executing instructions at a monitoring station for establishing a plurality of dial monitor processes. . .
wherein
the plurality of dial monitor processes are adapted to run concurrently, at least in part, for establishing their respective connections.

Similarly, among the limitations of independent claim 30, which are neither shown nor suggested in Netcool 1.1 are:

means for executing instructions at a monitoring station for establishing a plurality of dial monitor processes. . .
wherein the plurality of dial monitor processes are adapted to run concurrently, at least in part, for establishing their respective connections.

Among the limitations of independent claim 31, which are neither shown nor suggested in Netcool 1.1 are:

a computer usable medium having computer readable program code means embodied therein for testing multiple dial-up points in a communications network from a monitoring station;

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the computer readable program code means comprising means for executing instructions at the monitoring station for establishing a plurality of dial monitor processes. . wherein the plurality of dial monitor processes are adapted to run concurrently, at least in part, for establishing their respective connections.

Among the limitations of independent claim 37 which are neither shown nor suggested in Netcool 1.1 are:

a monitoring station including a plurality of dial monitor processes corresponding to and in communication with the dial-up points;

wherein at least two of the processes run concurrently.

The Office Action appears to recite concepts, which are alleged to be taught in the Netcool 1.1 reference and sets forth some asserted comparisons between Applicants' specification and the disclosure of the Netcool 1.1 reference. However, there is no discussion in the Office Action comparing the claimed limitations referenced above with the disclosure in Netcool 1.1. In fact, in an Office Action dated April 25, 2003, it appears that the Examiner admits that Netcool 1.1 does not disclose any dial monitor process at all. In order to establish a valid anticipation rejection, each and every element in the claim must be shown in a single cited reference. M.P.E.P. §2131. All words in a claim must be considered in judging the patentability of that claim against the prior art. M.P.E.P. §2143.03. Clearly, the Office Action has not met that burden here.

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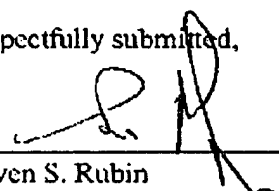
Moreover, a review of the Netcool 1.1 reference reveals that there is simply no discussion for establishing a plurality of dial monitor processes nor for enabling these plurality of processes to run, at least in part, concurrently -- as is claimed in all of independent claims 1, 30, 31 and 37.

Therefore, it is asserted that claims 1, 30, 31 and 37 are patentable over Netcool 1.1. Claims 2-29 and 33-36 include the above referenced limitations of claims 1 and 31 respectively, and include additional limitations which, in combination with the limitations of claims 1 and 31, are also neither disclosed nor suggested in Netcool 1.1. It is asserted that these claims are patentable as well.

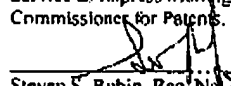
Reconsideration of the rejection of claims 1-37 under 35 U.S.C. §102 is respectfully requested in light of the remarks above.

Respectfully submitted,

Dated: 5/19/04


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Vukovljak et al.
Serial No. : 09/928,245 Examiner: Barry Taylor
Filed : August 10, 2001 Group Art Unit: 2643
Title : SYSTEM AND METHOD FOR TESTING MULTIPLE DIAL-UP
POINTS IN A COMMUNICATIONS NETWORK

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION PURSUANT TO 37 C.F.R. §1.137(b)**

In anticipation of receipt of a Notice of Abandonment in the above referenced application,
Applicants Petition for revival thereof.

In accordance with 37 C.F.R. 1.137(b), attached to this Petition, please find:

1. A reply to an Office Action dated October 22, 2003.
2. A check in the amount of \$1330.00 for the Petition fee set forth in 37 C.F.R.

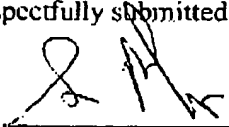
§1.17(m).

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Applicants state that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R §1.137(b) was unintentional.

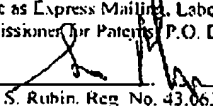
Respectfully submitted,

Dated: 5/17/04



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5/17/04